



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda

### CITY COUNCIL

*R. Steve Tumlin, Jr., Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, February 10, 2010

7:00 PM

Council Chamber

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#### CALL TO ORDER:

#### INVOCATION:

*Philip M. Goldstein, Ward 7*

#### PLEDGE OF ALLEGIANCE:

#### PRESENTATIONS:

##### **20100112 Fire Department Class 2 Rating**

Chief Jackie Gibbs accepts recognition for the Marietta Fire Department for obtaining Class 2 Rating from Insurance Services Organization (ISO).

##### **20100149 Recognition of Outstanding Service**

Recognition of Sergeant Brian Honea, Officer Matthew Parker, Officer Heath Edmondson, Officer Amy Valente, Detective Daniel Ohmann and Detective Shane Merritt for their outstanding efforts and dedication to duty for the events of January 23, 2010.

**20100113 Recognition for Outstanding Service**

Special recognition for Mohammed Ennin, Accountant in the Finance Department for his outstanding efforts in saving the city money through the *Alternative Tax Credit* program.

**PROCLAMATIONS:****ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

**MINUTES:**

\* **20100108 Regular Meeting - January 13, 2010**

Review and approval of the January 13, 2010 regular meeting minutes.

\* **20100109 Special Meeting - January 27, 2010**

Review and approval of the January 27, 2010 special meeting minutes.

\* **20100141 Special Meeting - February 3, 2010**

Review and approval of the February 3, 2010 special meeting minutes.

**MAYOR'S APPOINTMENTS:**

\* **20100114 Ethics Committee Mayor Appointment**

Reappointment of Warren Herron to the Ethics Committee for a term of two years expiring on March 10, 2012.

**CITY COUNCIL APPOINTMENTS:**

**20100163 Cobb County Board of Health and Cobb County Community Services Board**

Appointment of Clark F. Hungerford to the Cobb County Board of Health and Cobb County Community Services Board to fill the unexpired term of Wyman Pilcher, expiring on December 31, 2010.

**ORDINANCES:****\* 20091498 Z2010-01 Marietta Housing Authority 345 Fort Street**

Z2010-01 [REZONING] MARIETTA HOUSING AUTHORITY request rezoning for property located in Land Lot 12160, District 16, Parcel 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 345 Fort Street from R-4 (Single Family Residential) to PRD-MF (Planned Residential Development Multi-Family). Ward 5.

*Planning Commission recommends approval of zoning to PRD-MF with a variance to reduce the 30' buffer and include a privacy fence and an added stipulation to allow the submitted plan to also satisfy and serve as the Detail Plan.*

*Vote: 5-0-0*

*PUBLIC HEARING (all parties are sworn in)*

**\* 20100127 436 Powder Springs Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 436 Powder Springs Street.

Listed Owner: JWH Marietta LLC, c/o Rowe Properties

Repeat Violation History: (4) previous cases since November 20, 2007.

Certified mail receipt received January 14, 2010; signature not legible.

Taxes paid: Unpaid; owes \$1,337.79

Ward: 5A

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:**

- 1. Economic/Community Development: Grif Chalfant, Chairperson**
- 2. Finance/Investment: Annette Lewis, Chairperson**
- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

**20100152    Mayoral Veto**

Any Motion related to the Mayor's veto of the Kennesaw Avenue Historic District Ordinance as presented under file number 20100084.

- 4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**
- 5. Personnel/Insurance: Van Pearlberg, Chairperson**
- 6. Public Safety Committee: Anthony Coleman, Chairperson**
- 7. Public Works Committee: Jim King, Chairperson**

**\*    20090772    Hansell Street**

Motion to authorize a one way traffic flow eastbound on Hansell Street between Waddell Street and Haynes Street and to authorize removal of the nine public parking spaces along the north side Hansell Street. Further, the deceleration lane shown on the diagram shall be incorporated, as stamped "Received by Public Works January 27, 2010".

*Council member Pearlberg abstaining*

**20100063    North Marietta Parkway at Cole Street Intersection**

Motion authorizing donation of property to GA Dept of Transportation along North Marietta Pkwy as part of GDOT encroachment permit process for First Landmark Bank.

\*      **20091262    2005 SPLOST Priority Schedule**

Motion to approve 2005 SPLOST Project Budget Modifications as shown on attached Project Budget Modification Table dated February 1, 2010.

**20091258    Erosion Control Ordinance**

Approval of revisions to the Soil Erosion and Sediment Control Ordinance as required by EPD.

**20100086    Georgia Transmission Corporation**

Motion approving modification of North Marietta Substation Right of Entry.

**SCHEDULED APPEARANCES:**

*Ms. Betty Magnes, 981 Wesley Park Drive, Unincorporated Cobb County*

**UNSCHEDULED APPEARANCES:**

**OTHER BUSINESS:**

**20100065    [V2010-02] Waylon Hoge 2371 Delk Road**

V2010-02 WAYLON HOGE request variances for property located in Land Lot 07980, District 17, Parcel 0140, 2nd Section of Cobb County, Marietta, Georgia and being known as 2371 Delk Road. Variance to allow an off-premise sign for Howard Johnson along the Delk Road frontage, variance to allow an off-premise sign for Howard Johnson along the Powers Ferry Place frontage, variance to increase the maximum height of a sign for a shared commercial space from 15 feet to 30 feet along the Delk Road frontage, variance to increase the maximum area of a sign for a shared commercial space from 90 square feet to 127 square feet along the Delk Road frontage. Variance to increase the maximum area of a sign for a shared commercial space from 30 square feet to 50 square feet along the Powers Ferry Place frontage. Variance to allow the sign structure to exceed 90 s.f. for sign proposed along the Delk Road frontage. Ward 1.

**20100066 V2010-03 Larry Watts & Northcutt Investments, LLC 1312 and 1322 Powder Springs Street**

V2010-03 LARRY V. WATTS & NORTHCUTT INVESTMENTS, LLC request a variance for property located in Land Lot 02590, District 19, Parcels 0110 and 0580, 2nd Section of Cobb County, Marietta, Georgia and being known as 1312 and 1322 Powder Springs Street. Variance to reduce the requirements of the Tree Protection and Landscaping regulations for planted border areas and variance to modify the buffer requirements on property zoned CRC, Community Retail Commercial. Ward 2.

*Requested variances attached to item*

**20100164 444 N. Fairground Street**

Motion to authorize the acquisition of property owned by Mr. Edward Marcus Ligon on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**20100165 576 N. Fairground Street/642 Allgood Road**

Motion to authorize the acquisition of property owned by Transamerica International on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**20100166 582 N. Fairground Street**

Motion to authorize the acquisition of property owned by Alvin G. Bloodworth on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**20100168 525 Franklin Road**

Motion to authorize the acquisition of property owned by Hardee's Food Systems, Inc. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**20100169 595 Franklin Road**

Motion to authorize the acquisition of property owned by Focus Seven, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**\* 20100110 BLW Actions of February 8, 2010**

Review and approval of the February 8, 2010 actions and minutes of the Marietta Board of Lights and Water.

**ADJOURNMENT:**